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EXAMINER

RIVERO, MINERVA

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/003,350	Applicant(s) OSTERMANN ET AL.	
	Examiner Minerva Rivero	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-31 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11-02-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/02/2001</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title: *System and Method for sending multi-media messages using emoticons*, is not appropriate since a system is not being claimed.

2. The disclosure is objected to because of the following informalities: serial numbers of related applications are missing.

Appropriate correction is required.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 29-32 have been renumbered 28-31.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-7 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles *et al.* (U.S. Patent 5,880,731) in view of Rosenblatt *et al.* (U.S. 2002/0007276).

6. Regarding claims 1, 9 and 12 Liles *et al.* disclose

storing emoticons related to actions associated with the animated entity (gestures, Col. 9, Lines 33-34);

providing to a sender at least one button option for choosing emoticons to insert into the text message at a location of a cursor (*gesture toolbar*, Col. 9, Lines 35-38; Col. 9, Lines 55-58) and

upon the sender choosing an emoticon using one of the at least one button options, inserting an emoticon into the text message at the location of the cursor (Col. 5, Lines 27-32; Col. 9, Lines 53-60; Fig. 13, element 268; Col. 13, Lines 2-7).

However, Liles *et al.* do not disclose but Rosenblatt *et al.* do disclose an animated entity audibly delivering a text message (virtual representatives, [0015], Lines 7-22)) and wherein the animated entity delivers the text message, the animated exhibits the actions associated with the emoticons ([0019], Lines 1-6).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.* with an animated entity audibly delivering the text message and with the animated entity exhibiting the actions associated with the emoticons, as taught by Rosenblatt *et al.*, in order to allow a sight-impaired individual to effectively receive the message and to allow for a more effective conveyance of the message.

7. Regarding claim 2, Liles *et al.* further disclose wherein the emoticons comprise at least one of a wink, a smile, an affirmative animated entity motion, eyes opening and staring, eyes popping out, and nose elongation (Fig. 7, element 124).

8. Regarding claim 3, Liles *et al.* further disclose wherein the emoticons comprise at least one of a surprise, frown, eyes rolling, shoulder shrug, tongue motion, embarrassment, blushing, scream, tears and kiss (Fig. 7, elements 128 and 134).

9. Regarding claims 4,10 and 11 Liles *et al.* do not disclose but Rosenblatt *et al.* further disclose wherein the animated entity is a face or a human face (virtual representatives, Fig. 2; [0039], Lines 7-9).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.* with an animated entity and wherein the animated entity is a face or a human face as further taught by Rosenblatt *et al.* since this results in a more realistic communication experience.

10. Regarding claim 6, Liles *et al.* further disclose
the button options are icons representing an emoticon (*gesture toolbar*, Col. 9, Lines 35-38; Fig. 7, elements 122-134).

11. Regarding claim 7, Liles *et al.* further disclose
inserting an emoticon into the text at the location of the cursor further comprises inserting an icon representing the chosen emoticon into the text message at the position of the cursor (Col. 5, Lines 27-32; *gesture to accompany text*, Col. 9, Lines 53-60; Fig. 13, element 268; Col. 13, Lines 2-7).

12. Regarding claim 13, Liles *et al.* further disclose
each of the at least one button options is an icon representing an emoticon (Fig. 13, element 268).

13. Regarding claim 14, Liles *et al.* further disclose

inserting the emoticon into the text typed by the sender further comprises inserting an icon representing the chosen emoticon into the text of the message (Col. 5, Lines 27-32; Col. 9, Lines 53-60; Fig. 13, element 268; Col. 13, Lines 2-7).

14. Regarding claim 15, Liles *et al.* further disclose

the icon is inserted at a location of a cursor in the text (Col. 5, Lines 27-32; Col. 9, Lines 53-60; Fig. 13, element 268; Col. 13, Lines 2-7).

15. Regarding claim 16, Liles *et al.* disclose

providing the sender at least one button option, each button option of the at least one button option associated with a feature to add to the animated entity (*gesture*, Col. 9, Lines 55-60; Fig. 13, element 268); and

upon the user choosing a feature using one of the at least one button options, inserting the chosen feature into the text of the message (Col. 5, Lines 27-32; Col. 9, Lines 53-60; Fig. 13, element 268; Col. 13, Lines 2-7).

However, Liles *et al.* do not disclose, but Rosenblatt *et al.* do disclose as the multi-media message is delivered to the recipient, the chosen feature is presented in a visual and audible manner by the animated entity (*virtual representatives and commands*, [0015], Lines 11-28).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.* by having the chosen feature presented in a visual and audible manner by the animated entity as taught by Rosenblatt *et al.* in order to enable those recipients with a reading or hearing disability to comprehend the text message.

16. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liles *et al.* (U.S. Patent 5,880,731) in view of Rosenblatt *et al.* (U.S. 2002/0007276), as applied to claim 1 above, and further in view of Skelly (6,064,383).

17. Regarding claim 5, neither Liles *et al.* nor Rosenblatt *et al.* disclose, but Skelly does disclose

after the sender chooses an emoticon using one of the at least one button options, presenting to the sender an amplitude option associated with the chosen emoticon (possible emotions and intensities of emotions for a character, Col. 2, Lines 35-38); and

upon the sender selecting an amplitude associated with the chosen emoticon, applying the chosen amplitude to the chosen emoticon when the multi-media message is presented to the recipient (*modifying the expression of the character*, Col. 1, Lines 53-57).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.* and Rosenblatt *et al.* with presenting to the sender an amplitude option associated with the chosen emoticon and upon the sender selecting an amplitude associated with the chosen emoticon, applying the chosen amplitude to the chosen emoticon when the multi-media message is presented to the recipient as taught by Skelly in order to allow the user to more precisely express emotions in the message and to effectively convey the sender-selected emotions and emotion amplitudes to the recipient of the message.

18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liles *et al.* (U.S. Patent 5,880,731) in view of Rosenblatt *et al.* (U.S. 2002/0007276), further in view of Skelly (6,064,383), as applied to claim 5 above, and further in view of Ron (U.S. Patent 5,647,834).

19. Regarding claim 8, Liles *et al.* disclose inserting an emoticon into the text message at the location of the cursor further comprises inserting an icon representing the chosen emoticon into the text message at the position of the cursor (Col. 5, Lines 27-32; Col. 9, Lines 53-60; Fig. 13, element 268; Col. 13, Lines 2-7).

However the combined teachings of Liles *et al.*, Rosenblatt *et al.* and Skelly do not disclose, but Ron does disclose

the inserted icon includes a visual representation of the chosen amplitude of the chosen emoticon (Col. 13, Lines 6-10).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.*, Rosenblatt *et al.* and Skelly with including a visual representation of the chosen amplitude of the chosen emoticon as taught by Ron so as to enhance the communication by making the sender's emotional state immediately visible and apparent to the recipient of the message, as further noted by Ron (*emotional state immediately visibly apparent*, Col. 6, Lines 63-65).

20. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liles *et al.* (U.S. Patent 5,880,731) in view of Rosenblatt *et al.* (U.S. 2002/0007276), as applied to claim 16 above, further in view of Ventrella *et al.* (U.S. Patent 6,545,682) and Williams *et al.* (U.S. Patent 6,692,359).

21. Regarding claim 17, the combined teachings of Liles *et al.* and Rosenblatt *et al.* fail to disclose, but Ventrella *et al.* do disclose

the group of stored features comprises an eye color feature, a mouth protrusion feature, a skinniness feature and a fat feature (Fig. 11; neck, leg and arm thickness, belly size, Col. 7, Lines 10-17; eye color, mouth width, Col. 7, Lines 18-24).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.*, Rosenblatt *et al.* with a group of stored features comprising an eye color feature, a mouth protrusion feature, a skinniness feature and a fat feature, as taught by Ventrella *et al.* to allow the sender to customize the entity in a more realistic manner and in accordance with sender's preferences.

Moreover, the combined teachings of Liles *et al.*, Rosenblatt *et al.* and Ventrella *et al.* do not disclose an age feature.

However, Williams *et al.* disclose an age feature (Fig. 5; Col. 4, Lines 2-7).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.*, Rosenblatt *et al.* and Ventrella *et al.* with an age feature as taught by Williams *et al.* in order to allow the sender to customize the entity in a more realistic manner and in accordance with sender's preferences.

22. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles *et al.* (U.S. Patent 5,880,731) in view of Rosenblatt *et al.* (U.S. 2002/0007276), as applied to claim 16 above, and further in view of Ventrella *et al.* (U.S. Patent 6,545,682).

23. Regarding claim 18, neither Liles *et al.* nor Rosenblatt *et al.* disclose, but Ventrella *et al.* do disclose

after the sender chooses a feature using one of the at least one button options, presenting to the sender an amplitude option associated with the chosen feature (*modify values of the genes*, Col. 12, Lines 38-41; Fig. 11, element 153); and

upon the sender selecting an amplitude associated with the chosen feature, applying the chosen amplitude to the chosen feature when the multi-media message is presented to the recipient (*avatar is visually modified*, Col. 12, Lines 41-44).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.* and Rosenblatt *et al.* with presenting to the sender an amplitude option associated with the chosen feature and upon the sender selecting an amplitude associated with the chosen feature, applying the chosen amplitude to the chosen feature when the multi-media message is presented to the recipient as taught by Ventrella *et al.* in order to allow the user to customize the animated entity more precisely and to effectively convey the sender-selected features and feature amplitudes to the recipient of the message.

24. Regarding claims 19 and 20, the combined teachings of Liles *et al.* and Rosenblatt *et al.* do not disclose but Ventrella *et al.* do disclose

if the selected animated entity is unable to present the chosen feature,
the method further comprises ignoring the chosen feature (*extra genes may be ignored*, Col. 6, Lines 5-10); and

if the selected animated entity is unable to present the chosen feature, the method further comprises replacing the chosen feature with a replacement feature using default parameters (*unavailable genotype results in default features*, Col. 6, Lines 5-10).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Liles *et al.* and Rosenblatt *et al.* with having the animated entity ignore the chosen feature when unable to present it and further replacing the chosen feature with a replacement feature using default parameters as taught by Ventrella *et al.* in order to avoid a confusing or conflicting presentation of the animated entity.

25. Regarding claim 21, Liles *et al.* further disclose
wherein inserting the chosen feature into the text of the message comprises

inserting an icon representing the chosen feature into the text of the message at the location of a cursor (Col. 5, Lines 27-32; *gesture to accompany text*, Col. 9, Lines 53-60; Fig. 13, element 268; Col. 13, Lines 2-7).

26. Claims 22, 24-25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt *et al.* (U.S. 2002/0007276) in view of Jennings (U.S. Patent 5,781,186).

Regarding claim 22, Rosenblatt *et al.* disclose
a method of presenting a multi- media message having an animated entity created by a sender including at least one chosen emoticon, the multi-media message being created by the sender where text typed by the sender is presented to a recipient using an animated entity in the multi-media message, the at least one emoticon being in a position associated with an ordering of the typed text (*virtual representative and emotion cues*, [0019] Lines 1-6).

Rosenblatt *et al.*, however, do not disclose, but Jennings suggests
beginning a presentation of the at least one chosen emoticon by the animated entity a first predefined number of words before the at least one emoticon position within the ordering of the typed text; (*order and concurrency of the presentation of components of the multimedia message*, Col. 2, Lines 9-20); and

ending the presentation of the at least one emoticon a second predefined number of words after the at least one emoticon position within the ordering of the typed text (*order and concurrency of the presentation of components of the multimedia message*, Col. 2, Lines 9-20).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt *et al.* with beginning and ending a presentation a first and a second predefined number of words before and after the at least one emoticon position within the ordering of the typed text as suggested by Jennings to ensure a clear and ordered presentation of the various multimedia message components and enhance the recipient's comprehension of the message.

27. Regarding claim 24, Rosenblatt *et al.* disclose

a method of presenting a multi-media message having an animated entity created by a sender including at least one chosen emoticon, the multi-media message being created by the sender where text typed by the sender is presented to a recipient using an animated entity in the multi-media message, the at least one emoticon being in a position associated with an ordering of the typed text (*virtual representative and emotion cues*, [0019] Lines 1-6).

Rosenblatt *et al.*, however, do not disclose, but Jennings suggests beginning a presentation of the at least one chosen emoticon by the animated entity a first predefined period of time before the at least one emoticon position within the ordering of the typed text; (*order, concurrency and duration of the presentation of components of the multimedia message*, Col. 2, Lines 9-24); and ending the presentation of the at least one emoticon a second predefined period of time after the at least one emoticon position within the ordering of the typed text (*order, concurrency and duration of the presentation of components of the multimedia message*, Col. 2, Lines 9-24).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt *et al.* with beginning and ending a presentation a first and a second predefined period of time before and after the at least one emoticon position within the ordering of the typed text as suggested by Jennings to ensure a clear and organized presentation of the various multimedia message components and enhance the recipient's comprehension of the message.

28. Regarding claim 25, Rosenblatt *et al.* do not disclose, but Jennings suggests the first predefined period of time and the second predefined period of

time are variable based on a position of the chosen emoticon within the text of the message (*skip the indicated amount of time forward or backward from the present position in the subsequently identified component, Table A*).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt *et al.* with having the first predefined period of time and the second predefined period of time are variable based on a position of the chosen emoticon within the text of the message as suggested by Jennings to ensure a clear and correctly ordered presentation of the various multimedia message components and enhance the recipient's comprehension of the message.

29. Regarding claim 30, Rosenblatt *et al.* disclose

a method of customizing a multi-media message having an animated entity with at least one emoticon associated with the multi-media message by a sender, the animated entity delivering a typed message by the sender to a recipient (*virtual representative*, [0019] Lines 1-6).

However, Rosenblatt *et al.* do not disclose but Jennings does suggest upon the sender inserting an emoticon into the typed message with a start sign and a stop sign, delivering the multi-media message to the recipient using the animated entity wherein the animated entity starts the emoticon at the start sign and stops the emoticon at the stop sign (*playback start and stop pointers*, Col. 6, Lines 25-43).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt *et al.* by inserting an emoticon with a start sign and a stop sign and delivering the multi-media message to the recipient using the animated entity wherein the animated entity starts the emoticon at the start sign and stops the emoticon at the stop sign to allow the sender to customize the presentation of the multi-media message according to the user's preference.

30. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt *et al.* (U.S. 2002/0007276) in view of Dutta *et al.* (U.S. Patent 6,453,294).

31. Regarding claim 26, Rosenblatt *et al.* disclose

a method of enabling a sender to customize a multi-media message by choosing emoticons from a group of stored emoticons, the multi-media message being created by the sender where text typed by the sender is presented to a recipient using an animated entity in the multi-media message ([0019] Lines 1-6).

However, Rosenblatt *et al.* do not disclose but Dutta *et al.* do disclose providing to the sender an option to associate at least one typed word with a chosen emoticon, wherein if the sender associates at least one typed word with a

chosen emoticon, each at least one typed word associated with an emoticon is associated with the presentation by the animated entity of the chosen emoticon (<grin>, Col. 3, Lines 46-48; <grin>, <wink>, Col. 4, Lines 12-18).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt *et al.* with providing to the sender an option to associate at least one typed word with a chosen emoticon, wherein if the sender associates at least one typed word with a chosen emoticon, each at least one typed word associated with an emoticon is associated with the presentation by the animated entity of the chosen emoticon, as taught by Dutta *et al.* so as to facilitate the indication of an emotion within the text message.

32. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt *et al.* (U.S. 2002/0007276) in view of Dutta *et al.* (U.S. Patent 6,453,294), as applied to claim 26 above, and further in view of Henton (U.S. 5,860,064).

33. Regarding claim 27, the combined teachings of Rosenblatt *et al.* and Dutta *et al.* do not disclose but Henton does disclose providing an option to assign a color to the at least one typed word such that the chosen emoticon begins to be presented by the animated entity to the recipient at the first typed word with the assigned color and the

chosen emoticon presentation by the animated entity ends at the last typed word with the assigned color (Col. 8, Lines 25-29).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt *et al.* and Dutta *et al.* with providing an option to assign a color to the at least one typed word such that the chosen emoticon begins to be presented by the animated entity to the recipient at the first typed word with the assigned color and the chosen emoticon presentation by the animated entity ends at the last typed word with the assigned color, as taught by Henton so as to effectively convey the intended changes in emotions when translating the text message.

34. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt *et al.* (U.S. 2002/0007276) in view of Dutta *et al.* (U.S. Patent 6,453,294), as applied to claim 26 above, and further in view of Apfel *et al.* (U.S. Patent 6,405,225).

35. Regarding claim 28, the combined teachings of Rosenblatt *et al.* and Dutta *et al.* do not disclose but Apfel *et al.* do suggest presenting the sender with the option of underlining the at least one typed word to associate the at least one typed word with the chosen emoticon (Col. 1, Lines 32-35).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt *et al.* and Dutta *et al.* by presenting the sender with the option of underlining the at least one typed word to associate the at least one typed word with the chosen emoticon, as suggested by Apfel *et al.* so as to facilitate the indication of an emotion within the text message.

36. Regarding claim 29, it would have been further obvious to provide to the sender an option to amplify the chosen emoticon by underlining more than once the at least one typed word associated with the chosen emoticon, as it is well known that multiple underlining increases emphasis on the underlined words.

37. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt *et al.* (U.S. 2002/0007276) in view of Jennings (U.S. Patent 5,781,186), as applied to claim 30 above, and further in view of Johnson *et al.* (U.S. Patent 5,555,426).

38. Regarding claim 31, the combined teachings of Rosenblatt *et al.* and Jennings *et al.* do not explicitly disclose but Johnson *et al.* do suggest

before delivering the multi-media message to the recipient, checking a consistency with the start sign and stop sign, delivering the multi-media message to the recipient (*evaluating logical consistency*, Col. 5, Lines 5-7).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt et al. and Jennings with before delivering the multi-media message to the recipient, checking a consistency with the start sign and stop sign, delivering the multi-media message to the recipient, as suggested by Johnson *et al.* in order to avoid consistency errors during the rendering of the multi-media message to the recipient.

Allowable Subject Matter

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurlander (U.S. Patent 6,232,966) teaches a graphic display of a character in which image alterations are based on text and triggers contained within the text. Brush, II *et al.* (U.S. Patent 5,732,232) disclose the controlling of the emotional

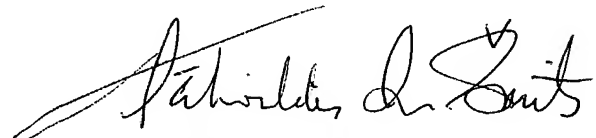
expressions of a graphical representation of a character, where the user indicates the emotions and related intensities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (703) 605-4377. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 305-9508. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 10/29/2004



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER